B. Merged States (1)/50

1950. **File No.**

Legal Department-

B **BRANCH**

Subject:— L.A. Bill No. LVII of 1950

A Bill to amend the Bombay Merged States Law Act, 1950 (New Section 12A)

Bom Act- No. XLIV of 1950

File No. B. Merged States (1)/50

Legal Department.

A requisite draft Bill is sent herewith.

It is provided in the draft Bill that part III of the Bombay Medical Practitioners' Act 1938 shall come into force in the merged States on the date specified by the State Government in the Official Gazette in this behalf, notwithstanding the fact that the period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area or in parts of Merged States. It is stated in R.L.A's opinion No. 7468 dated 2nd June 1950 that under sub-section (1) of section 3 of the Bombay Merged States (Laws) Act, 1950 read with clauses (a) and (b) of sub-section (3) of that section a notification issued under sub-section (3) of section 1 of the Bombay Medical Practitioners' Act, 1938 in respect of any local area, shall be deemed to extend to and be in force also in any area of the merged States which have been included in such local area under any law for the time being in force. In the case of such districts Part III will come into force after a lapse of two years or five years respectively, from the 30th March 1950 in so far as the State areas included in the district are concerned. The only step which the Department now will have to take is to issue a notification under section 1(3) of the Bombay Medical Practitioners' Act in respect of the following districts :-

Banskantha, Sabarkantha, Mehsana,
Amreli, Baroda and Kolhapur.

It will also be necessary to issue a simblar notification in respect of the Dang Districts, if no such notification has so far been issued. If all the steps stated above are taken now and if after the Bill is passed, a further notification specifying the date as provided in the Bill is x issued, Part III will come into operation in all the Merged States with effect from the date notified by Government and the whole of Bombay Medical Practitioners' Act, 1938 will with effect from such date be in force throughout the State of Bombay.

The subject matter of the Bill falls under Entry 26 in List III in the Seventh Schedule to the Constitution of India. The Bill does not require any sanction or recommendation. As the provisions of the Bill are not repugnant to the provisions of the existing law relating to the matter, enumerated in the Concurrent List, it will not be necessary to reserve the Bill for the consideration of the President.

O.C. Sd/-
Additional Secretary to Governme t.

U.R. to L.S.G.& P.H.D. No. 9886 dated 13th July 1950

C.G.R. 23-6

C 5

IMMEDIATE. No. 15974
Legal Department,
Bombay Castle (Bombay No.1), 15th November 1950.

From

Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject: The Bombay Merged States(Laws) (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Merged States (Laws)(Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 25th and the 26th October 1950, respectively.

2. The subject-matter of the Bill falls under entry 26 in List III in the Seventh Schedule to the Constitution of India. As the Bill does not contain any provision repugnant to the provisions of any earlier law made by Parliament or an existing law with respect to any of the matters enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	the items Nos. 1,
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as intorduced in the in the Bombay Legislative Council.	2 and 4 and two
3. Bill as read for the ~~kkr~~ third time and passed by the Bombay Legislative Council.	copies of item
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th October 1950 and of the Bombay Legislative Council dated the 26th October 1950.	No. 3 of the papers noted

in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

O.C. Sd/-

Additional Secretary to Government

Through :

The Secretary to the Government of Bombay,
Local Self Government and Public Health
Department.

C.G.R. 23-6

C 5

No. G.S.- 3504

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department.

Government House,
Bombay (6), November 20 , 1950.

Subject: The Bombay Merged States (Laws) (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 15974, dated November 15, 1950, I am directed to return herewith the authentic copy of the Bombay Merged States (Laws) (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/-
Secretary to the Governor of Bombay.

C.G.R. 23-6

C 5

ACTS.

Publication of the Bombay Merged States (Laws)(Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.

Legal Department,

Resolution No. 16470

Bombay Castle, 23rd November 1950.

Letter to the Secretary to the Governor, No. 15974 dated the 15th November 1950.

Letter from the Secretary to the Governor, No. G.S. 3504 dated the 20th November 1950. -

"With reference to your letter No. 15974, dated November 15, 1950, I am directed to return herewith the authentic copy of the Bombay Merged States (Laws) (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. XLIV of 1950, in the Bombay Government Gazette dated the 23rd November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Local Self Government and Public Health Department.

By order of the Governor of Bombay,

Sd/- (S.L. Chaudhari).
Assistant Secretary to Government.

To
The Manager, Government Central Press, Bombay,(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwareded to the Legal Department),)with a
To Local Self Government and Public Health Department) copy
The Oriental Translator to Goverumet,) of
The Bombay Legislature Department,) the
The Director of Publicty, Bombay,) Act.
The Enquiry Officer for the Secretariat, Bombay.)*

* With five extra copies of the Act.

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 23RD NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGE
BOMBAY ACT No. XLIV OF 1950—An Act to amend the Bombay Merged States (Laws) Act, 1950	509

The following Act of the Bombay Legislature having been assented to by the Governor on the 19th November 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XLIV OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 23rd November 1950.)

An Act to amend the Bombay Merged States Laws Act, 1950.

Bom. IV of 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1950.

Bom. IV of 1950.

Amendment of Third Schedule to Bom. IV of 1950.

2. At the end of the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following shall be added, namely :—

"The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States.	In sub-section (3) of section 1, the following proviso shall be added at the end, namely :— 'Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States.'".

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LVII OF 1950.

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

(As published in the "Bombay Government Gazette" of the 16th October 1950.)

Bom. IV of 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purpose hereinafter appearing: It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1950.

Bom. IV of 1950.

Amendment of Third Schedule to Bom. IV of 1950.

2. At the end of the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following shall be added, namely:—

"The Bombay Medical Practitioners' Act, 1938. (Bom. XXVI of 1938).	All merged States.	In sub-section (*3*) of section 1, the following proviso shall be added at the end, namely:— 'Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States.'".

STATEMENT OF OBJECTS AND REASONS

Part III of the Bombay Medical Practitioners' Act, 1938, was already in force in all the Districts of the Bombay Province proper before the areas of the Indian States were merged with the Bombay Province. The said Act has subsequently been extended to the areas of the merged States. Under sub-section (*1*) of section 3 of the Bombay Merged States (Laws) Act, 1950, read with clauses (*a*) and (*b*) of sub-section (*3*) of that section all notifications issued under sub-section (*3*) of section 1 of the Bombay Medical Practitioners' Act, 1938, in respect of any local area, shall be deemed to extend to and be in force in any area of the merged States which has been included in such local area. Parts I and II of the said Act having been extended to all the districts of the Bombay Province proper will be deemed to extend to those districts inclusive of the merged areas. As a result, Part III of the Act will come into force in the area of the merged States after a lapse of two years or five years respectively according as the area is a municipal, cantonment or notified area, or otherwise. Such a position would be unsatisfactory. It would mean the existence of different provisions for different areas of the same district. It is, therefore, proposed to amend the Bombay Merged States (Laws) Act, 1950, so as to empower the Government to bring into operation Part III of the Bombay Medical Practitioners' Act, 1938, in the areas of the merged States at any time before the expiry of the period of two years or five years, as the case may be, from the day on which Parts I and II have come into force in any area forming part of the State area.

Dated the 13th October 1950. M. D. D. GILDER.

Government of Bombay

BOMBAY LEGISLATURE DEPARTMENT

[L. A. BILL No. LVII OF 1950.]

(As published in the "Bombay Government Gazette" of the 16th October 1950.)

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

[Dr. M. D. D. GIEDER, M.L.A.

PRINTED AT THE YERAVDA PRISON PRESS POONA

L. A. BILL No. LVII OF 1950.

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As read for the third time and passed by the Legislative Council on the 26th October 1950.)

Bom. IV of 1950.

WHEREAS it is expedient to amend the Bombay Merged States (Laws) Act, 1950, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Merged States (Laws) (Amendment) Act, 1950.

Bom. IV of 1950.

Amendment of Third Schedule to Bom. IV of 1950.

2. At the end of the Third Schedule to the Bombay Merged States (Laws) Act, 1950, the following shall be added, namely:—

"The Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	All merged States.	In sub-section (3) of section 1, the following proviso shall be added at the end, namely:— 'Provided that in all merged States, Part III shall come into force on such date as may be specified by the State Government by notification in the *Official Gazette* in this behalf, notwithstanding the fact that the aforesaid period of two years or five years, as the case may be, may not have expired from the date on which Parts I and II may have come into force in any area forming part of the said States.'".

Mo-v Bk Hb 347—1

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LVII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As read for the third time and passed by the Legislative Council on the 26th October 1950.)

A Bill to amend the Bombay Merged States (Laws) Act, 1950.

[Dr. M. D. D. GILDER, M.L.A.]

MO-v Bk Hb 347—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.